

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

BRIAN JOHNSON,

Plaintiff,

v.

Civ. No. 16-11 RB/GJF

SIERRA COUNTY BOARD OF
COUNTY COMMISSIONERS, et al.,

Defendants.

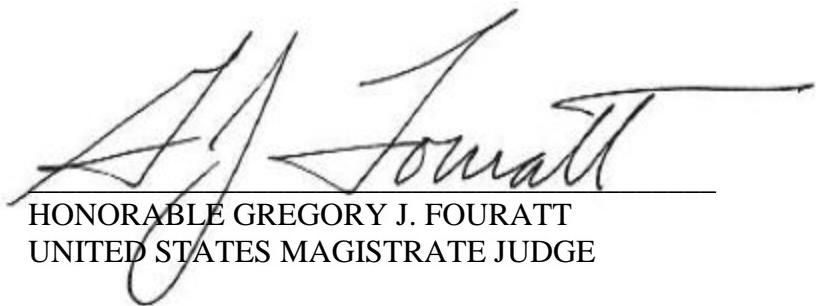
**ORDER GRANTING JOINT MOTION FOR LEAVE
TO TAKE DEPOSITION OF DEFENDANT VERGIL EATON**

THIS MATTER having come before the Court upon the parties' "Joint Motion for an Order Granting Leave for the parties to take the Deposition of Defendant Vergil Eaton, a person confined in prison, pursuant to Fed.R.Civ.P. 30(a)(2)(B)" ("Joint Motion") [ECF No. 123], and the Court having reviewed the Motion, noting it is jointly proposed, and being otherwise fully advised in the premises, finds that the Motion is well taken and will be **GRANTED**.

IT IS THEREFORE ORDERED that the deposition of Defendant Vergil Eaton shall be taken under the following conditions:

Defendant Vergil Eaton's deposition in a New Mexico prison may be taken at any time prior to November 17, 2017, with leave for the deposition to be taken in-person, by sound and visual, and/or by stenographic means, with Plaintiff being granted leave to notice Defendant Eaton's deposition and the party noticing the deposition bearing the cost of Defendant Eaton's deposition. Upon agreement of the parties, the costs of Defendant Eaton's deposition may also be apportioned half and half between Plaintiff and Defendants. Defendant Eaton is currently in prison at the Otero County Prison Facility, 10 McGregor Range Road, Chaparral, NM 88081.

IT IS SO ORDERED.



HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE